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THE PRESIDENT TO CONGRESS

Message Urges a Fuller Federal Control of Corporations.

NATURALIZATION OF JAPS

Also an Inharitance Tax. Big on Big Bequests, and an Income Tax.

reney Laws, the Death Penalty for National Divorce and Polysng Campaign Contributions, Citizen Free Trade for the Philip-Good Will Toward the Other

WASHINGTON, Dec. 4 .- President Roosevelt's message was transmitted to Congress at noon to-day. The reading of it occupied shout two hours and a half. It recorn-

An act providing for the naturalization of the Japanese and an amendment making it possible to enforce the rights of aliens under our treaties; revision of the currency taws; more complete control over corporations; a law prohibiting corporations from contributing to campaign funds and a statutory revision giving the Government the right of appeal in actions against the trusts; a graduated inheritance tax and when possible a graduated income tax; absidies for the development of American shipping; capital punishment for rape; national divorce and polygamy laws; rigid enforcement of the eight-hour law; shorter hours for railway employees; provision for Federal investigation of labor disputes and a more stringent employers' liability act; citizenship for Porto Ricans and lower tariff or absolute free trade for the Philippines; the maintenance of the navy at its present strength by replacing obsolete ships with new ones.

as a sin for which there is no atonement and discusses many other subjects to the extent of more than 25,000 words. The message, with the President's sub-heads, but without his "simple" spelling, follows

To the Senate and House of Representatives: As a nation we still continue to enjoy a literally unprecedented prosperity; and it is probable that only reckless speculation and disregard of legitimate business methods on the part of the business world can materially mar this prosperity.

No Congress in our time has done more good work of importance than the present Congress. There were several matters left unfinished at your last session, however, which I most earnestly hope you will complete before your adjournment. CORPORATION CAMPAIGN CONTRIBUTIONS.

I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill Let individuals contribute as they desire, but let us prohibit in effective fashion al corporations from making contributions for any political purpose, directly or indirectly. GOVERNMENT'S RIGHT OF APPEAL IN CRIM-

INAL CASES. Another bill which has just passed one House of the Congress and which it is ur-gently necessary should be enacted into law is that conferring upon the Government the right of appeal in criminal cases on questions of law. This right exists in many of the States; it exists in the District of Columbia by act of the Congress. It is, of course, not proposed that in any case a verdict for the defendant on the merits should be setaside. Recently in one district, where the Government had indicted certain persons for conspiracy in connection with ebates, the Court sustained the defendant's emurrer; while in another jurisdiction an indictment for conspiracy to obtain re-bates has been sustained by the Court, convictions obtained under it and two defendants sentenced to imprisonment. The two cases referred to may not be in real conflict with each other, but it is unfortunate that there should even be an apparent conflict. At present there is no way by which the Government can cause uch a conflict, when it occurs, to be solved by an appeal to a higher court, and the wheels of justice are blocked without any real decision of the question. I cannot too strongly urge the passage of the bill in a. A failure to pass it will result in eriously hampering the Government in its fort to obtain justice, especially against realthy individuals or corporations who do wrong, and may also prevent the Government from obtaining justice for wagework-ers who are not themselves able effectively to contest a case where the judgment of an ferior court has been against them. I have specifically in view a recent decision by a district judge leaving railway em-ployees without remedy for violation of a certain so-called labor statute. It seems an absurdity to permit a single district judge, against what may be the judgment of sense majority of his colleagues on the bench, to declare a law solemnly enacted by the Congress to be "unconstitutional." and then to deny to the Government the right to have the Supreme Court definitely

of the law often depends not upon the passage of acts as to which there is great public excitement, but upon the passage of acts of this nature as to which there is not much public excitement, because there is little public understanding of their importance, while the interested parties are keenly alive to the desirability of defeating them. The importance of enacting into law the particular bill in question is further increased by the fact that the Government has now definitely begun a policy of resorting to the criminal law in those trust and interstate commerce cases where such a course offers a reasonable chance of success. At first, as was proper, every effort was made to enforce these laws by civil proceedings, but it has become increasingly evident that the action of the Government in finally deciding, in certain cases, to undertake criminal proceedings was justifiable; and though there have been some conspicuous failures in these cases, we have had many successes, which have undoubtedly had a deterrent effect of the public was in the shape of fine or imprisonment—and penalties of both kinds have already been inflicted by the courts. Of course, where the judge can see his way to inflict the penalty of imprisonment the deterrent effect of the punishment on other offenders is increased, but sufficiently heavy fines accomplish much. Judge Holt, of the New York District Court, in a recent decision admirably stated the need for treating with just severity offenders of this kind. His opinion runs in part as follows:

"The Covernment's evidence to establish the defendant's guilt was clear, conclusive and undisputed. The case was a flagrant one. The transactions which took place under this illegal contract were very large; the amounts of rebates returned were considerable and the amount of the rebate itself was large, amounting to more than one-fifth of the entire tariff charge for the transportation of merchandise from this city to Detroit. It is not too much to say, in my opinion, that if this business was car

the law, in my opinion, in its essential nature, is a very much more heinous act than the ordinary common, vulgar crimes which come before criminal courts constantly for punishment and which arise from sudden passion or temptation. This crime in this case was committed by men of education and of large business experience, whose standing in the community was such that they might have been expected to set an example of obedience to law, upon the maintenance of which alone in this country the security of their property depends. It was committed on behalf of a great railroad corporation, which, like other railroad corporation, which, like other railroad corporations, has received gratuitously from the State large and valuable privileges for the public's convenience and its own, which performs quasi public functions and which is charged with the highest obligation in the transaction of its business to treat the oftizens of this country alike, and not to carry on its business with unjust discriminations between different citizens or different classes of citizens. This crime in its nature is one usually done with secrecy, and proof of which it is very difficult to obtain. The interstate commerce act was passed in 1887, nearly twenty years ago. Eversince that time complaints of the granting of rebates by railroads have been common, urgent and insistent, and although the Congress has repeatedly passed legislation endeavoring to put a stop to this evil, the difficulty of obtaining proof upon which to bring prosecution in these cases is so great that this is the first case that has ever been brought in Philadelphia are the only cases great that this is the first case that has ever been brought in this court, and, as I am informed, this case and one recently brought in Philadelphia are the only cases that have ever been brought in the Eastern part of this country. In fact, but few cases of this kind have ever been brought in this country, East or West. Now, under these circumstances, I am forced to the conclusion, in a case in which the proof is so clear and the facts are so flagrant, it is the duty of the court to fix a penalty which shall in some degree be commensurate with the gravity of the offence. As between the two defendants, in my or inion, the principal penalty should be imposed on the corporation. The traffic manager in this case, resumably, acted without any advantage to himself and without any interest in the transaction, either by the direct authority or in accordance with what he understood to be the policy or the wishes of his employer. "The sentence of this court in this case is that the defendant Pomeroy, for each of the six offences upon which he has been convicted, be fined the sum of \$1,000, making six fines, amounting in all to the sum of \$6,000; and the defendant the New York Central & Hudson River Railroad Company, for each of the six crimes of which it has been convicted, be fined the sum of \$18,000, making six fines, amounting in the aggregate to the sum of \$108,000, and judgment

making six fines, amounting in the aggregate to the sum of \$108,000, and judgment to that effect will be entered in this case."

SETTING ASIDE OF JUDGMENTS AND GRANT-ING OF NEW TRIALS.

In connection with this matter I would

In connection with this matter I would like to call attention to the very unsatisfactory state of our criminal law, resulting in large part from the habit of setting saide the judgments of inferior courts on technicalities absolutely unconnected with the merits of the case, and where there is no attempt to show that there has been any failure of substantial justice. It would be well to enact a law providing something to the effect that:

No judgment shall be set aside or new trial granted in any cause, civil or criminal, on the ground of misdirection of the jury or the improver admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, in the orinion of the court to which the application is made, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice.

In my last message I suggested the enactment of a law in connection with the issuance of injunctions, attention having been sharply drawn to the matter by the demand that the right of applying injunctions in labor cases should be wholly abolished. It is at least doubtful whether a law abolishing altogether the use of injunctions in such cases would stand the test of the courts; in which case, of course, the legislation would be ineffective. Moreover, I believe it would be wrong altogether to prohibit the use of injunctions. It is over, I believe it would be wrong altogether to prohibit the use of injunctions. It is criminal to permit sympathy for criminals to weaken our hands in upholding the law, and if men seek to destroy life or property by mob violence there should be no impairment of the power of the courts to deal with them in the most summary and effective way possible. But so far as possible the abuse of the power should be provided against by some such law as I advocated last year.

against by some such law as I advocated last year.

In this matter of injunctions there is lodged in the hands of the judiciary a necessary power, which is nevertheless subject to the possibility of grave abuse. It is a power that should be exercised with extreme care and should be subject to the jealous scrutiny of all men, and condemnation should be meted out as much to the judge who fails to use it boldly when necessary as to the judge who uses it wantonly or oppressively. Of course, a judge strong enough to be fit for his office will enjoin any recort to violence or in imidation, especially by conspiracy, no matter what his opinion may be of the rights of the original quarrel. There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive

dizement. It must be remembered that a preliminary injunction in a labor case, if granted without adequate proof (even when authority can be found to support the conclusions of law on which it is founded), may often settle the dispute between the parties, and therefore if improperly granted when authority can be found to support the conclusions of law on which it is founded), may often settle the dispute between the parties, and therefore if improperly granted may do irreparable wrong. Yet there are many judges who assume a matter-of-course granting of a preliminary injunction to be the ordinary and proper judicial disposition of such cases, and there have undoubtedly been flagrant wrongs committed by judges in connection with labor disputes even within the last few years, although I think much less often than in former years. Such judges by their unwise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction, and therefore such careless use of the injunctive process tends to threaten its very existence, for if the American people ever become convinced that this process is habitually abused, whether in matters affecting labor or in matters affecting corporations, it will be well-nigh impossible to prevent its abolition. It may be the highest duty of a judge at any given moment to disregard, not merely the wishes of individuals of great political or financial power, but the overwhelming tide of public sentiment; and the judge who does thus disregard public sentiment when it is wrong, who brushes aside the plea of any special interest when the pleading is not founded on righteousness, performs the highest service to the country. Such a judge is deserving of all honor; and all honor cannot be raid to this wise and fearless judge if we permit the growth of an absurd convention which would forbid any criticism of the judge of another type, who shows himself timid in the presence of arrogant disorder, or who on insufficient grounds grants an injunction that does grave injustice, or who in his capacity as a construer, and therefore in part a maker, of the law, in flagrant fashion thwarts the cause of decent government. The judge has a power over which no review can be exercised; he himself site in review upon the acts of both the executive and legi

to disclaim any immunity from criticism. This has been true since the days of the great English Lord Chancellor Parker, who said: "Let all people be at liberty to know what I found my judgment upon; that, so when I have given it in any cause, there may be at liberty to indee of me." to know what I found my judgment upon; that, so when I have given it in any cause, others may be at liberty to judge of me." The proprieties of the case were set forth with singular clearness and good temper by Judge W. H. Taft, when a United States circuit judge, eleven years ago, in 1895:
"The opportunity freely and publicly to criticise judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attack. Nothing tends more to render judges careful in their decisions and anx isly solicitous to do exact justice than the consciousness that every act of theirs is to be subjected to the intelligent scrutiny and candid criticism of their fellow-men. Such criticism is beneficial in proportion as it is fair, dispassionate, discriminating, and based on a knowledge of sound legal principles. The comments made by learned text writers and by the acute editors of the various law reviews upon judicial decisions are therefore highly useful. Such critics constitute more or less impartial tribunals of professional opinion before which each indexment is made to stand impartial tribunals of professional opinion before whicheach judgment is made to stand or fall on its merits, and thus exert a strong or fall on its merits, and thus exert a strong influence to secure uniformity of decision. But non-professional criticism also is by no means without its uses, even if accompanied, as it often is, by a direct attack upon the judicial fairness and motives of the occupants of the bench; for if the law is but the essence of common sense, the protest of many average men many evidence a defect many average men may evidence a defect in a judicial conclusion, though based on in a judicial conclusion, though based on the nicest legal reasoning and profoundest learning. The two important elements of moral character in a judge are an earnest desire to reach a just conclusion and corrage to enforce it. In sofar as fear of public comment does not affect the courage of a judge, but only spurs him on to search his conscience and to reach the result which approves itself to his inmost heart, such comment serves a useful purpose. There are few men, whether they are judges for life or for a shorter term, who do not prefer to earn and hold the respect of all, and who cannot be reached and mander to pause and deliberate by hostile public criticism. In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance, because it is the only practical and available instrument in the hands of a free people to keep such judges alive to the reasonable demands of those they serve.

"On the other hand, the danger of de-

"On the other hand, the danger of de stroying the proper influence of judicial decisions by creating unfounded prejudices decisions by creating unfounded prejudices against the courts justifies and requires that unjust attacks shall be met and answered. Courts must ultimately rest their defence upon the inherent strength of the opinions they deliver as the ground for their conclusions and must trust to the calm and deliberate judgment of all the people as their best vindication. There is one consideration which should be taken into account by the good people

people as their best vindication."

There is one consideration which should be taken into account by the good people who carry a sound proposition to an excess in objecting to any criticism of a judge's decision. The instinct of the American recople as a whole is sound in this matter. They will not subscribe to the doctrine that any public servant is to be above all criticism. If the best citizens, those most competent to express their judgment in such matters, and above all those belonging to the great and honorable profession of the har, so profoundly influential in American life, take the position that there shall be no criticism of a judge under any circumstances, their view will not be accepted by the American people as a whole. In such event the people will turn to, and tend to accept as justifiable, the intemperate and improper criticism uttered by unworthy agitators. Surely it is a misfortune to leave to such critics a function, right in itself, which they are certain to abuse. Just and temperate criticism, when necessary, is a safeguard against the acceptance by the people as a whole of that intemperate antagonism toward the judiciary which must be combated by every right-thinking man, and which, if it became widestpread among the people at large, would constitute a dire menace to the Republic. among the people at large, would constitute a dire menace to the Republic.

LYNCHING.

In connection with the delays of the law, I call your attention and the attention of the nation to the prevalence of crime among us, and above all to the epidemic of lynching and mob violence that springs up, now in one part of our country, now in another. Each section, North, South, East or West, has its own faults; no section can with wisdom spend its time jeering at the faults of another section; it should be busy trying to amend its own shortcomings. To deal with the crime of corruption it is necessary to have an awake ed public conscience, and to supplement this by whatever legislation will add speed and certainty in the execution of the law. When we deal with lynching even more is necessary. A great many white men are lynched, but the crime is peculiarly frequent in respect to black men. The greatest existing cause of lynching is the perpetration, especially by black men, of the hideous crime of rape—the most abominable in all the category of crimes, even worse than murder. Mobs frequently avenge the commission of this crime by themselves torturing to death the man committing it; thus avenging in bestial fashion a bestial deed, and reducing themselves to a level with the criminal.

Lawleseness grows by what it feeds upon; and when mobs begin to lynch for rape they speedily extend the sphere of their operations and lynch for many other kinds of crimes. so that two-thir da of the lynch LINCHING.

ings are not for rape at all; while a considerable proportion of the individuals lynched are innocent of all crime. Gov. Candler, of Georgia, stated on one occasion some years ago: "I can say of a verity that I have, within the last month, saved the lives of half a dozen innocent negroes who were pursued by the moh, and brought some years ago: I can say of a verity that I have, within the last month, saved the lives of half a dozen innocent negroes who were pursued by the mob, and brought them to trial in a court of law in which they were acquitted." As Bishop Galloway, of Mississippi, has finely said: "When the rule of a mob obtains, that which distinguishes a high civilization is surrendered. The mob which lynches a negro charged with rape will in a little while lynch a white man suspected of crime. Every Christian patriot in America needs to lift up his voice in loud and eternal protest against the mob spirit that is threatening the integrity of this Republic." Gov. Jelks, of Alabama, has recently spoken as follows: "The lynching of any person for whatever crime is inexcusable anywhere—it is a deflance of orderly government; but the killing of innocent people under any provocation is infinitely more horrible; and yet innocent people are likely to die when a mob's terrible lust is once aroused. The lesson is this: No good citizen can afford to countenance a deflance of the stuttes, no matter what the provocation. The innocent frequently suffer, and, it is my observation, more usually suffer than the guilty. The white people of the South indict the whole colored race on the ground that even the better elements lend no assistance whatever in ferreting out criminals of their own cok r. The respectable colored people must learn not to harbor their criminals on the provokes such atrocious offences as the one at Atlanta. The two races can never get on until there is an understanding on the part of both to make common cause with the law-abiding against criminals of any color."

Moreover, where any crime committed by a member of one race against a member of any color."

Moreover, where any crime committed y a member of one race against a member another race is avenzed in such fashion of another race is aven red in such resinon that it seems as if not the individual criminal but the whole race is attacked, the result is to exasperate to the highest degree race feeling. There is tut one safe rule in dealing with black men as with white men; it is the same rule that must be applied in dealing with rich men and poor men; that is, to treat each man, whatever his color, his creed or his social position, with even-handed justice on his real worth as a man. White people owe it quite as much to themselves as to the colored race to treat well the colored man who shows by his life that he deserves such treatment; for it is surely the hir hest wisdom to encourage in the colored race all those individuals who are honest, industrious, law-ariding, and who therefore make good and safe

neight ors and citizens. Reward or punish the individual on his merits as an individual the individual on his merits as an individual. Evil will surely come in the end to in the races if we sul stitute for this just rule the hal it of treating all the members of the race, good and had, alike. There is no question of "social equality" or "nerro domination" involved; only the question of relentlessly punishing had men, and of securing to the good man the right to his life, his liferty and the pursuit of his happiness as his own qualities of heart, head ness as his own qualities of heart, head and hand enal le him to achieve it. Every colored man should realize that the worst enemy of his race is the negro criminal, and above all the negro criminal who commits the dreadful crime of rape; and it should be felt as in the highest degree an offence against the whole country, and against the colored race in particular.

and against the colored race in particular, for a colored man to fail to help the officers of the law in hunting down with all possible earnestress and zeal every such infamous oftender. Moreover, in my judgment, the crime of rape should always be punished with death, as is the case with murder; assault with intent to commit rape should be made a capital crime, at least in the discretion of the court, and provision should be made by which the punishment may follow immediately upon the heels of the offence; while the trial should be sonducted that the victim need not be conducted that the victim need not be wantonly shamed while giving testimony, and that the least possible publicity shall

loosening of the bands of civilization; that the spirit of lynching inevitably throws into prominence in the community all the foul and evil creatures who dwell therein. No man can take part in the torture of a human man can take part in the torture of a numan being without having his own moral nature permanently lowered. Every lynching means it is so much moral deterioration in all the children who have any knowl-edge of it, and therefore just so much ad-ditional trouble for the next generation of Americans.

Let justice be both sure and swift,

let it be justice be both sure and swit, but let it be justice under the law, and not the wild and crooked savagery of a mob.

There is another matter which has a direct bearing upon this matter of lynching and of the brutal come which sometimes calls it forth and at other times merely furnishes the excuse for its existence. It calls it forth and at other times merely furnishes the excuse for its existence. It is out of the question for our people as a whole permanently to rise by treading down any of their own number. Even those who themselves for the moment profit by such maltreatment of their fellows will in the long run also suffer. No more short-sighted policy can be imagined than, in the fancied interest of one class, to prevent the education of another class. The free public school, the chance for each boy or girl to get a good elementary education. free public school, the chance for each boy or girl to get a good elementary education, lies at the foundation of our whole political situation. In every community the poorest citizens, those who need the schools most, would be deprived of them if they only received school facilities proportioned to the taxes they paid. This is as true of one portion of our country as of another. It is as true for the negro as for the white man. The white man, if he is wise, will decline to allow the negrees in a mass to grow to manhood and womanhood without education. Unquestionably education such as is obtained in our public schools does not do everything toward making a man a good citizen, but it does much. The lowest and most brutal criminals, those, for instance who commit the crime of rape, a good citizen, but it does much. The lowest and most brutal criminals, those, for instance who commit the crime of rape, are in the great majority men who have had either no education or very little; just as they are almost invariably men who own no property; for the man who puts money by out of his earnings, like the man who acquires education, is usually lifted above mere brutal criminality. Of course the best type of education for the colored man, taken as a whole, is such education as is conferred in schools like Hampton and Tuskegee. where the boys and girls, the young men and young women are trained industrially as well as in the ordinary public school branches. The graduates of these schools turn out well in the great majority of cases, and hardly any of them become criminals, while what little criminality there is never takes the form of that brutal violence which invites lynch law. Every graduate of these schools—and for the matter of that every other colored man or woman—who leads a life so useful and honorable as to win the good will and respect of those whites whose neighbor he or she is, thereby helps the whole colored race as it can be helped in no other way; for next to the negro himself the man who can do most to help the negro is his white neighbor who lives near him, and our steady effort should be to better the relations between the two. Great though the benefit of these schools has been to their colored pupils and to the colored people, it may well be questioned whether the benefit has not been at least as great to the white people among whom these colored people live after they graduate.

Be it remembered, furthermore, that the

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Be it remembered, furthermore, that the individuals who, whether from folly, from evil temper, from greed for office or in a spirit of mere base demazogy, indulge in the inflammatory and incendiary speeches and writings which tend to arouse mobs and to bring about lynching, not only thus excite the mob but also tend by what criminologists call "suggestion" greatly to increase the likelihood of a repetition of the very crime against which they are inveighing. When the mob is composed of the people of one race and the man lynched is of another race the men who

in their speeches and writings either excite or justify the action tend, of course, to excite a bitter race feeling and to cause the people of the opposite race to lose sight of the abominable act of the criminal himself; and, in addition, by the prominence they give to the hideous deed they undoubtedly tend to excite in other brutal and depraved natures thoughts of committing it. Swift, relentiess and orderly punishment under the law is the only way by which criminality of this type can permanently be suppressed.

In dealing with both labor and capital, with the questions affecting both corporations and trades unions, there is one matter more important to remember than aught else, and that is the infinite harm done by preachers of mere discontent. These are the men who seek to excite a violent class hatred against all men of wealth. They seek to turn wise and proper movements for the better control of corporations, and for doing away with the abuses connected with wealth, into a campaign of hysterical excitement and falsehood in which the aim is to inflame to madness the brutal passions of mankind. The sinister demagogues and foolish visionaries who are always eager to undertake such a campaign of destruction sometimes seek to associate themselves with those working for a genuine reform in governmental and social methods, and sometimes masquerade as such reformers. In reality they are the worst enemies of the cause they profess to advocate, just as the purveyors of sensational slander in newspayer or magazine are the worst enemies of all men who are engaged in an honest effort to better what is bad in our social and governmental conditions. To preach hatred of the rich man as such, to carry on a campaign of slander and inflame to madness honest men whose lives are hard and who have not the kind of mental training which will permit them to appreciate the danger in the doctrines preached—all this is to commit a crime against the body politic and to be false to every worthy principle and tradition of American national life. Moreover, while such preaching and such agitation may give a livelihood and a certain notoriety to some of those who take part in it, and may result in the temporary political success of others, in the long run every such movegive a livelihood and a certain notoriety to some of those who take part in it, and may result in the temporary political success of others, in the long run every such movement will either fa'l or else will provoke a violent reaction, which will itself result not merely in undoing the mischief wrought by the demagogue and the agitater, but also in undoing the good that the honest reformer, the true upholder of popular rights, has painfully and laboriously achieved. Corruption is never so rife as in communities where the demagogue and the agitator bear full sway, because in such communities where the demagogue and the agitator bear full sway, because in such communities all moral bands become loosened and hysteria and sensationalism replace the spirit of sound judgment and fair dealing as between man and man. In sheer revolt against the squalid anarchy thus produced men are sure in the end to turn toward any leader who can restore order, and then their relief at being free from the intolerable burdens of class hatted, violence and demagogy is such that they cannot for some time be aroused to indignation against misdeeds by men of receitives the they recruit a new grayth. they cannot for some time be aroused to indignation against misdeeds by men of wealth; so that they permit a new growth of the very abuses which were in part responsible for the original outbreak. The one hope for : cess for our people lies in a resolute and fearless but sane and coolheaded advance along the path marked out last year by this very Congress. There must be a stern refusal to be misled into following either that base creature who appeals and panders to the lowest instincts and passions in order to arouse one set of appeals and panders to the lowest instincts and passions in order to arouse one set of Americans against their fellows, or that other creature, equally base but no baser, who in a spirit of greed or to accumulate or act to an already huge fortune seeks to ex, of his fellow Americans with callous disregard to their welfare of soul and body. The man who debauches others in order to obtain a high office stands on an evil equality of corruption with the man who debauches others for financial profit; and when hatred is sown the crop which springs up can only be evil.

traditions are dear, who love their country and try to act decently by their neighbors owe it to themselves to remember that the most damaging blow that can be given owe it to themselves to remember that the most damaging blow that can be given popular government is to elect an unworthy and sinister agitator on a platform of violence and hypocrisy. Whenever such an issue is raised in this country nothing can be gained by flinching from it, for in such case democracy is itself on trial, popular self-government under republican forms is itself on trial. The triumph of the mob is just as evil a thing as the triumph of the rolut cracy, and to have escayed one danger avails nothing whatever if we succumb to the other. In the end the honest man, whether rich or poor, who earns his own living and tries to deal justly by his fellows, has as much to fear from the insincere and unworthy demagogue, promising much and reforming nothing, or else performing nothing but evil, who would set on the mob to plunder the rich, as from the crafty corrurt in ist who for his own ends would remit the common people to be exploited by the very wealthy. If we ever let this Government fall into the hands of men of either of these two classes we shall show ourselves false to America's past. Moreover, the demagogue and the corruptionist often work hand in hand. There are at this moment wealthy reactionaries of such obtuse morality that they regard the public often work hand in hand. There are at this moment wealthy reactionaries of such obtuse morality that they regard the püblic servant who prosecutes them when they violate the law, or who seeks to make them bear their profer share of the public burdens, as being even more objectionable than the violent agitator who hounds on the mob to plunder the rich. There is nothing to choose between such a reactionary and such an agitator; fundamentally they are alike in their selfish disregard of the rights of others; and it is natural that they should join in opposition to any movement of which the aim is fearlessly to do exact and even justice to all.

HOUR LAW.

HOUR LAW.

I call your attention to the need of passing the bill limiting the number of hours of employment of railroad employees. The measure is a very moderate one and I can conceive of no serious objection to it. Indeed, so far as it is in our power, it should be our aim steadily to reduce the number of hours of labor, with as a goal the general introduction of an eight-hour day. There are industries in which it is not possible that the hours of labor should be reduced; just as there are communities not far enough advanced for such a movement to be for their good, or, if in the Tropics, so situated that there is no analogy between their needs and ours in this matter. On the Isthmus of Fanama, for instance, the conditions are in every way so different from what they are here that an eight-hour day would be absurd; just as it is absurd, so far as the 1sthmus is concerned, where white labor cannot be employed, to bother as to whether the necessary work is done by alien black men or by alien yellow men. But the wageworkers of the United States are of so high a grade that alike from the merely industrial standpoint and from the civic standpoint it should be our object to do what we can in the direction of securing the general observance of an eight-hour day. Until recently the eight-hour law on our Faderal statute books has been very scantily observed. Now, however, largely through the instrumentality of the Bureau of Labor, it is being rigidly enforced, and I shall speedily be able to say whether or not there is need of further legislation in reference thereto; for our purpose is to see it obeyed in spirit no less than in letter. Half holidays during summer should be a reasonable amount of holiday. RAILROAD EMPLOYEES' HOURS AND RIGHTis mental that there should be a reason amount of holiday.

LABOR OF WOMEN AND CHILDREN.

The Congress at its last session wisely provided for a truant court for the District of Columbia; a marked step in advance on the path of properly caring for the chil-

dren. Let me again urge that the Congress provide for a thorough investigation of the conditions of child labor and of the labor of women in the United States. More and more our people are growing to recognize the fact that the questions which are not merely of industrial but of social importance outweigh all others; and these two questions most emphatically come in the category of those which affect in the most far-reaching way the home life of the nation. The horrors incident to the employment of young children in factories or at work anywhere are a blot on our civilization. It is true that each State must ultimately settle the question in its own way; but a thorough official investigation of the matter, with the results published broadcast, would greatly help toward arousing the public conscience and securing unity of State action in the matter. There is, however, one law on the subject which should be enacted immediately, because there is no need for an investigation in reference thereto, and the failure to enact it is discreditable to the national Government. A drastic and thoroughgoing child-labor law should be enacted for the District of Columbia and the Territories.

Among the excellent laws which the Congress passed at the last session was an employers' liability law. It was a marked step in advance to get the recognition of employers' liability on the statute books, but the law did not go far enough. In spite of all precautions exercised by employers there are unavoidable accidents and even deaths involved in nearly every line of business connected with the mechanic arts. This inevitable sacrifice of life may be reduced to a minimum, but it cannot be completely eliminated. It is a great social injustice to compel the employee, or rather the family of the killed or disabled victim, to bear the entire burden of such an inevito bear the entire burden of such an inevi-table sacrifice. In other words, society shirks its duty by laying the whole cost on shirks its duty by laying the whole cost on the victim, whereas the injury comes from what may be called the legitimate risks of the trade. Compensation for accidents or death due in any line of industry to the actual conditions under which that industry is carried on should be paid by that portion of the community for the benefit of which the industry is carried on—that is, by those who profit by the industry. If the entire trade risk is placed upon the employer he will promptly and properly add it to the legitimate cost of production and assess it proportionately upon the consumers of his legitimate cost of production and assess it proportionately upon the consumers of his commodity. It is therefore clear to my mind that the law should place this entire "risk of a trade" upon the employer. Neither the Federal law nor, as far as I am informed, the State laws dealing with the question of employers' liability are sufficiently thoroughgoing. The Federal law should of course include employees in navy yards, arsenals and the like.

INVESTIGATION OF DISPUTES BETWEEN CAP-The commission appointed by the President Oct. 16, 1902, at the request of both the anthracite coal operators and miners to inquire into, consider and pass upon the questions in controversy in connection with the strike in the anthracite regions of Pennsylvania and the cause out of which the the strike in the anthracite regions of Pennsylvania, and the causes out of which the controversy arose, in their report, findings and award expressed the belief "that the State and Federal governments should provide the machinery for what may be called the compulsory investigation of controversies between employers and employees when they arise." This expression of belief is deserving of the favorable consideration of the Congress and the enactment of its provisions into law. A bill has already been introduced to this end.

Records show that during the twenty years from Jan. 1, 1881, to Dec. 31, 1800, there were strikes affecting 117,509 establishments, and 6,105,694 employees were thrown out of employment. During the same period there were 1,005 lockouts.

were thrown out of employment. During the same period there were 1,005 lockouts, involving nearly 10,000 establishments, throwing over 1,000,000 people out of employment. These strikes and lockouts involved an estimated loss to employees of \$307,000,000 and to employers of \$143,000,000, a total of \$450,000,000. The public suffexed directly and indirectly probably as great additional loss. But the money loss, great as it was, did not measure the anguish and suffering endured by the wives and and suffering endured by the wives and children of employees whose pay stopped when their work stopped, or the disastrous effect of the strike or lockout upon the business of employers, or the increase in the cost of products and the inconvenience and loss to the public,

Many of these strikes and lockouts would not have covaried had the parties to the

Many of these strikes and lockouts would not have occurred had the parties to the dispute been required to appear before an unprejudiced body representing the nation and, face to face, state the reasons for their contention. In most instances the dispute would doubtless be found to be due to a misunderstanding by each of the other's rights, aggravated by an unwillingness of either party to accept as time the statements of the other as to the justice or injustice of the matters in dispute. The exercise of a judicial spirit by a disinterested body representing the Federal Government, such as would be provided by a commission on conciliation and arbitration, would tend to create an atmosphere of friendliness and conciliation between contending parties, and the giving each side an equal opportunity to present fully its friendliness and conciliation between con-tending parties, and the giving each side an equal opportunity to present fully its case in the presence of the other would prevent many disputes from developing into serious strikes or lockouts, and, in other cases, would enable the commission to persuade the opposing parties to come

to persuade the opposing parties to come to terms.

In this age of great corporate and labor combinations, neither employers nor employees should be left completely at the meroy of the stronger party to a dispute, regardless of the righteousness of their respective claims. The proposed measure would be in the line of securing recognition of the fact that in many strikes the public has itself an interest which cannot wisely be disregarded: an interest not merely of general convenience, for the question of a just and proper public policy must also be considered. In all legislation of this kind it is well to advance cautiously, testing each considered. In all legislation of this kind it is well to advance cautiously, testing each step by the actual results: the step proposed can surely be safely taken, for the decisions of the commission would not bind the parties in legal fashion, and yet would give a chance for public opinion to crystallize and thus to exert its full force for the right. the right.

WITHDRAWAL OF COAL LANDS

It is not wise that the nation should alienate its remaining coal lands. I have temporarily withdrawn from settlement all the lands which the Geological Survey has indicated as containing, or in all probability containing, coal. The question, however, can be properly settled only by legis-lation, which in my judgment should pro-vide for the withdrawal of these lands from lation, which in my judgment should provide for the withdrawal of these lands from sale or from entry, save in certain especial circumstances. The ownership would then remain in the United States, which should not, however, attempt to work them, but permit them to be worked by private individuals under a royalty system, the Government keeping such control as to permit it to see that no excessive price was charged consumers. It would, of course, be as necessary to supervise the rates charged by the common carriers to transport the product as the rates charged by those who mine it, and the supervision must extend to the conduct of the common carriers, so that they shall in no way favor one competitor at the expense of another. The withfrawal of these coal lands would constitute a policy analogous to that which has been followed in with frawing the forest lands from ordinary settlement. The coal, like the forests, should be treated as the property of the public and its disposal should be under conditions which would inure to the benefit of the public as a whole. CORPORATIONS.

The present Congress has taken long strides in the direction of securing proper supervision and control by the national Government over corporations engaged in interstate business—and the enormous majority of corporations of any sile are engaged in interstate business. The pissage of the Railway Rate bill and only to a less degree the passage of the Pure Food bill, and the provision for increasing and readering more effective national control

tion. In the short session if will perhap
be difficult to do much further along thi
line, and it may be best to wait until the
laws have been in operation for a numbe
of months before endeavoring to increatheir scope, because only operation will
show with exactness their merits and their
shortcomings and thus give opportunity
to define what further remedial legislation is needed. Yet in my judgment in
will in the end be advisable in connection
with the packing house inspection law
and for charging the cost of inspection is
the packers. All these laws have alread;
justified their enactment. The Interstate
Commerce law, for instance, has rather
amusingly falsified the predictions, both
of those who asserted that it would ruin
the railroads and of those who asserted
that it did not go far enough and would
accomplish nothing. During the last five
months the railroads have shown increased
earnings and some of them unusual dividends, while during the same period the
mere taking effect of the law has produced
an unprecedented, a hitherto unheard of
number of voluntary reductions in freighte
and fares by the railroads. Since the an unprecedented, a hitherto unheard of number of voluntary reductions in freight and fares by the railreads. Since the founding of the commission there has never been a time of equal length in which anything like so many reduced tariffs have been put into effect. On Aug. 27, for instance, two days before the new law went into effect, the commission received notices of over 5,000 separate tariffs which represented reductions from previous

tices of over 5,000 separate tariffs which represented reductions from previous rates.

It must not be supposed, however, that with the passage of these laws it will be possible to stop progress along the line of increasing the power of the national Government over the use of capital in interstate commerce. For example, there will ultimately be need of enlarging the power of the Interstate Commerce Commission along several different lines, so as to give it a larger and more efficient control over the railroads.

It cannot too often be repeated that ex-

along several different lines, so as to give it a larger and more efficient control over the railroads.

It cannot too often be repeated that experience has conclusively shown the impossibility of securing by the actions of nearly half a hundred different State legislatures anything but ineffective chaos in the way of dealing with the great corporations which do not operate exclusively within the limits of any one State. In some method, whether by a national license law or in other fashion, we must exercise, and that at an early date, a far more complete control than at present over these great corporations—a control that will among other things, prevent the evils of excessive overcapitalization and that will compel the disclosure by each big corporation of its stockholders and of its properties and business, whether owned directly or through subsidiary or affiliated corporations. This will tend to put a stop to the securing of inordinate profits by favored individuals at the expense whether of the general public, the stockholders or the wageworkers. Our effort should be not so much to prevent consolidation as such, but so to supervise and control it as to see that it results in no harm to the people. The reactionary or ultraconservative apologists for the misuse of wealth assail the effort to secure such control as a step toward socialism. As a matter of fact it is these reactionaries and ultraconservatives who are themselves most potent in increasing socialistic feeling. One of the most efficient methods of averting the consequences of a dangerous agitation which is 80 per cent. wrong is to remedy the 20 per cent. of evil as to which the agitation is well founded. The best way to avert the very undesirable move for the governmental ownership of railways is to secure by the Government on behalf of the people as a whole such adequate control and required as which give rise to the agitation against the mo. So the proper antidote to the dange. give rise to the agitation against them so the proper antidote to the dange and wicked agitation against the men wealth as such is to secure by proper legislation and executive action the abolition to the grave abuses which actually do obtain in connection with the business use of wealth under our present system—or rather no system—of failure to exercise any ade-quate control at all. Some persons speak as if the exercise of such governmental control would do away with the freedom of individual initiative and dwarf individual effort. This is not a fact. It would be a veritable calamity to fail to put a premium upon individual initiative, iadividual capacity and effort; upon the energy, character and foresight which it is so important to encourage in the individual. But as matter of fact the deadening and degrading effect of pure socialism, and especially of its extreme form communism, and the destruction of individual character which they would bring about, are in part achieved. struction of individual character which
they would bring about, are in part achieved
by the wholly unregulated competition
which results in a single individual or corporation rising at the expense of all others
until his or its rise effectually checks all
competition and reduces former competitors to a position of utter inferiority and
subordination.

In enacting and enforcing such legislation
as this Congress already has to its credit
we are working on a coherent plan, with
the steady endeavor to secure the needed

we are working on a coherent plan, with
the steady endeavor to secure the needed
reform by the joint action of the moderate
men, the plain men who do not wish anything hysterical or dangerous, but who do
intend to deal in resolute common sense
fashion with the real and great evils of
the present system. The reactionaries and
the violent extremists show symptoms of
joining hands against us. Both assert, for
instance, that, if logical, we should go t
government ownersnip of railroads and th
like; the reactionaries, I ecause on such a
issue they think the people would stan
with them, while the extremists care rath
to preach discontent and agitation than
achieve solid results. As a matter of facour position is as remote from that of th
Bourbon reactionary as from that of the

with them, while the extremists care rath to preach discontent and agitation than achieve solid results. As a matter of fact our position is as remote from that of the Bourbon reactionary as from that of the Bourbon reactionary as from that of the impractical le or sinister visionary. Whold that the Government should not conduct the business of the nation, but the it should exercise such supervision as winsure its being conducted in the inters of the nation. Our aim is, so far as made, to secure, for all decent, hard-working the house of the conducted in the intersof the actual working of our laws has shouthat the effort to prohibit all combinations good or bad, is noxious where it is not ineffective. Combination of capital, like combination of labor, is a necessary element of our present industrial system. It is not possible completely to prevent it; and if it were possile, such complete prevention would do damage to the body politic. What we need is not vainly to try to prevent all combination, but to secure such rigorous and adequate control and supervision of the combination, but to secure such rigorous and adequate control and supervision of the combination, but to secure such rigorous and adequate control and supervision of the combination, but to secure such rigorous and adequate control and supervision of the combination, but to secure such rigorous and adequate control and supervision of the combination, but to secure such rigorous and adequate control and supervision of the combination, but to secure such rigorous and adequate control and supervision of the combination, but to secure such rigorous and adequate control and supervision of the combination was to be presumed to be adverse to the public interest. It is unfortunate that our present laws should forbid all combinations, instead of sharply discriminating between those combinations which do good and those combinations which do good and those combinations which do good and those combination of the topic of small shippers and of the general publi